

NORTH CAROLINA GENERAL ASSEMBLY
1965 SESSION

CHAPTER 1072
SENATE BILL 372

1 AN ACT TO CLARIFY LAND TITLES BY EXTINGUISHING CERTAIN ANCIENT
2 MINERAL CLAIMS.

3
4 The General Assembly of North Carolina do enact:

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6 **Section 1.** The General Statutes are hereby amended by inserting, immediately after
7 Section 1-42, a new Section to be numbered G.S. 1-42.1 and to read as follows:

8 "**§ 1-42.1. Certain Ancient Mineral Claims Extinguished.** (a) Where it appears on the public
9 records that the fee simple title to any oil, gas or mineral interests in an area of land has been
10 severed or separated from the surface fee simple ownership of such land and such interest is not
11 in actual course of being mined, drilled, worked or operated, or in the adverse possession of
12 another, or that the record title holder of any such oil, gas or mineral interests has not listed the
13 same for ad valorem tax purposes in the county in which the same is located for a period of ten
14 (10) years prior to January 1, 1965, any person, having the legal capacity to own land in this
15 State, who has on the effective date of this Act an unbroken chain of title of record to such
16 surface estate of such area of land for fifty (50) years or more, and provided such surface estate
17 is not in the adverse possession of another, shall be deemed to have a marketable title to such
18 surface estate as provided in the succeeding subsections of this Section, subject to such
19 interests and defects as are inherent in the provisions and limitations contained in the
20 muniments of which such chain of record title is formed.

21 (b) Such marketable title shall be held by such person and shall be taken by his
22 successors in interest free and clear of any and all such fee simple oil, gas or mineral interests
23 in such area of land founded upon any reservation or exception contained in an instrument
24 conveying the surface estate in fee simple which was executed or recorded fifty (50) years or
25 more prior to the effective date of this Act, and such oil, gas or mineral interests are hereby
26 declared to be null and void and of no effect whatever at law or in equity: Provided, however,
27 that any such fee simple oil, gas or mineral interest may be preserved and kept effective by
28 recording within two (2) years after the effective date of this Act, a notice in writing duly sworn
29 to and subscribed before an official authorized to take probate by G.S. 47-1, which sets forth
30 the nature of such oil, gas or mineral interest and gives the book and page where recorded.
31 Such notice shall be probated as required for registration of instruments by G.S. 47-14 and
32 recorded in the office of the register of deeds of the county wherein such area of land, or any
33 part thereof lies, and in the book therein kept or provided under the terms of G.S. 1-42 for the
34 purpose of recording certain severances of surface and subsurface land rights, and shall state
35 the name and address of the claimant and, if known, the name of the surface owner and also
36 contain either such a description of the area of land involved as to make said property readily
37 located thereby or due incorporation by reference of the recorded instrument containing the
38 reservation or exception of such oil, gas or mineral interest. Such notice may be made and
39 recorded by the claimant or by any other person acting on behalf of any claimant who is either
40 under a disability, unable to assert a claim on his own behalf, or one of a class but whose
41 identity cannot be established or is uncertain at the time of filing such notice of claim for
42 record.

1 (c) This Act shall be construed to effect the legislative purpose of facilitating land title
2 transactions by extinguishing certain ancient oil, gas or mineral claims unless preserved by
3 recording as herein provided. The oil, gas or mineral claims hereby extinguished shall include
4 those of persons whether within or without the State, and whether natural or corporate, but shall
5 exclude governmental claims, State or Federal, and all such claims by reason of unexpired oil,
6 gas or mineral leases."

7 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

8 **Sec. 3.** This Act shall be in full force and effect on and after September 1, 1965.

9 In the General Assembly read three times and ratified, this the 16th day of June,
10 1965.